

The Chair called the meeting to order at 7:00.

I. Roll Call

Present: Joseph Cardello, Ed Magill, John Flaherty, Bruce Santa Anna, Dr. Lucien Benoit, John Czyzewicz. Absent: John O'Donnell. Also Present: Town Planner Michael Phillips, Assistant Solicitor Bob Rossi

II. Approval of Minutes—July 19 & August 2, 2007

Mr. Santa Anna made a motion to approve the minutes of July 19, 2007 as corrected. Dr. Benoit seconded the motion, with all in favor.

Dr. Benoit made a motion to approve the minutes of the August 2, 2007 meeting as corrected. Mr. Magill seconded the motion, with all in favor.

III. Industrial Drive Commerce Park (continued from July 5, 2007)

Master Plan-Major Subdivision; Owner/Applicant: Russell & Robert Branchaud

Location: 136 Industrial Drive,

Assessor's Plat 5 Lots 76;

Zoning: M (Manufacturing District)

Attorney Eric Brainsky addressed the Board on behalf of the

applicant. He stated that the applicant is still in the process of retaining clients for each of the proposed buildings. He stated that the applicant is seeking approval on the Master Plan for a Major Subdivision. They will then apply for DEM and DOT approvals. When they return to the Planning Board, they will have these approvals, as well as designs for the buildings, drainage systems, and information on proposed uses of each building. He stated that they are requesting to subdivide the property into 5 lots, with the 3 lots to the west being accessed via private drive. The applicant is currently working out an access easement with the abutting property owner. The applicant will be responsible for maintenance of the easement. Mr. Brainsky also responded to issues and requests for information from the July 5, 2007 meeting.

The Chair had asked for an erosion sediment control plan, which has been submitted. The applicant also responded to issues raised by the Conservation Commission. A written response has been prepared, with comments from engineer Paul Gadoury and project biologist Brandon Faneuf. Mr. Faneuf, a wetlands scientist from Ecosystem Solutions, Inc., addressed the Board to respond to the Conservation Commission's question regarding the F wetlands series flags on the property. Mr. Faneuf stated that he had visited the site and has placed new wetlands flags in the field. The site is now marked with two sets of pink flags (old and new), F1-F34. The second concern of the Conservation Commission was the presence of an active running stream. Mr. Faneuf confirmed that there is a small

stream system present on the site. He said the system consists of three small feeder streams into one stream that runs to a culvert, then most likely to the Branch River. He stated that because the stream is less than 10 feet in width, it is associated with the 100-ft. riverbank buffer. Mr. Czyzewicz asked if it is a seasonal stream. Mr. Faneuf replied that it is an intermittent stream, but this makes no difference with regard to jurisdiction under DEM. Mr. Santa Anna asked if the wetlands have been verified by DEM. Mr. Faneuf stated they have not yet been verified; the application has not yet been submitted, therefore the wetlands as marked are subject to change. Don Gagnon, Conservation Commission Chair, stated that he is concerned with the location of the proposed road, as it goes through defined wetland. He stated that the applicant should avoid the 100-ft. buffer. Mr. Gagnon stated that all the commission's other concerns have been satisfactorily addressed. Mr. Brainsky stated that the proposed road is conceptual. The plans submitted have used maximum size for all buildings out of an abundance of caution. They will try to tweak the roadways. If necessary, the applicant will apply to DEM for approval.

The Chair asked if the applicant had used LID (Low Impact Design) or best management practices in planning the proposed subdivision and development. Mr. Brainsky stated that they have. The Chair also asked if parking regulations would be met. Mr. Brainsky stated they believe they will be able to meet parking regulations; if not, they will apply for relief.

The Chair asked if the proposed road will be built to town standards, and Mr. Flaherty asked if the applicant anticipates that the proposed road will ever be turned over to the town. Mr. Brainsky stated that the private drive does not need to be built to town standards. Mr. Phillips stated that construction standards must be met, but dimensional standards do not. Mr. Brainsky stated that the width will be per town standards, but the curb will not be the standard concrete. He will be talking to the fire and police departments during the design phase to be sure that emergency access regulations are met. Mr. Brainsky also stated that the applicant has no plans at this time to turn the road over to the town. He stated that the applicant is working out an access easement agreement with a neighboring property owner. The Chair stated that they may make a stipulation that if the road is not built to town standards, they will not take it over in the future. Mr. Brainsky stated that they would agree to that. Mr. Phillips stated that the paving and storm drainage for the proposed road will be an improvement over the existing driveway, but suggested moving the road out of the 100-ft. buffer. Mr. Brainsky stated they will take efforts to move the road and if they are not able to, they will apply to the DEM.

Mr. Gadoury addressed the Board regarding some modifications to the previously submitted plans. Because of the change of wetland delineation, one building was shifted, a parking lot was moved, and a new filtration system is proposed. The new plans also located and

labeled stone walls. A cross-section of the roadway is included in the modified plans. Mr. Gadoury stated that the road is designed according to town construction standards. Mr. Gadoury also stated that he had looked at Mr. Phillips' suggestion for redesigning the roadway to avoid the riverbank buffer. He stated that the straight entrance is more convenient and better navigable for trucks. Mr. Gadoury believes the roadway plan will be a minor issue with DEM, but he will comply if they say to move it. He stated that the plan submitted is the best possible design.

The Chair asked if they anticipate any filling on the site. Mr. Gadoury stated that the only filling he anticipates is along the highway ditch and culvert along the road. The Chair asked that they not impact the wetlands due to filling. Mr. Brainsky stated that they would submit their plans to DEM and comply with any adjustments that the DEM requires.

Mr. Magill asked if they could approve the plans for something that involves another person's property (the access easement). The Board discussed this issue with Mr. Rossi and Mr. Brainsky. Mr. Brainsky stated that they have nothing in writing from the abutting property owner regarding the easement, but they do have an oral agreement. Mr. Phillips stated that if they provide proof of an existing easement at this stage, the application meets requirements.

The Chair asked that the applicant try to move the road out of the

100-ft. buffer and commented that this may make getting approval from the DEM easier.

Dr. Benoit made a motion to approve the petition for Master Plan Stage of a Major Subdivision known as “Industrial Drive Commerce Park” proposed by Russell & Robert Branchaud, 136 Industrial Drive, North Smithfield, Rhode Island 02896 for the property located on Industrial Drive, Assessor’s Plat 5 Lots 76; Zoning M (Manufacturing District) as depicted on a six (6) drawing set prepared by Marc N. Nyberg Associates, Inc., titled “Overall Plan For Proposed ‘Industrial Drive Commerce Park,’” dated April 2007, with a revision date of August 3, 2007, with the stipulation that the applicant will provide evidentiary documentation that an access easement is in place with the abutter at Plat 5 Lot 73. Mr. Czyzewicz seconded the motion. Planning Board vote was as follows: AYE: Mr. Magill, Mr. Cardello, Mr. Santa Anna, Mr. Czyzewicz, Dr. Benoit. Motion passed, with a vote of 5-0.

IV. DILL - Preliminary Plan - Minor Subdivision

Owner/Applicant: Margaret & Robert Letourneau,

Location: 1239 Victory Highway & Carlton Avenue

Assessor’s Plat 4, Lot 149,

Zoning: RS-40 (Suburban Residential)

Christie Dill, daughter of applicant Margaret Letourneau, and her husband Matthew Dill were present, with Erin Gallogly, an associate

with Marc N. Nyberg & Associates to request a minor subdivision. Ms. Gallogly assisted on the plan prepared by Nyberg's firm.

Dr. Benoit asked about the existing cesspools on the property, the dry well, and the distance between the well and the cesspool on Lot 1.

Ms. Gallogly responded that for Lot 1, an OWTS system has been approved but not installed yet. The system was approved with a distance of less than 100 ft. between the system and the well. Ms. Gallogly stated that she was uncertain about whether or not the wells were drilled wells or dug wells. She will check on this. She stated that the OWTS for Lot 2 has not yet been submitted for approval, but soil evaluation test holes have been dug. The Chair asked if the approved septic repair for Lot 1 includes removal of the cesspool. Dr. Benoit stated that the cesspool should be pumped to make it as dry as possible, then filled. The Chair requested the following information from the applicant: the status of cesspools, dry well (drilled or dug), copy of OWTS design for Lot 1, and addition of a note "to be abandoned" for the cesspool on Lot 2. Mr. Dill stated that he believes that the well is drilled. He has documentation and will submit it to the Board. Dr. Benoit also suggested that the applicant have the water on the property tested and a copy of the test results submitted to the Board. The applicant will return before the Board when they have all of the requested information.

V. Homestead Gardens – Recommendation on Special Use Permits

Caretaker Residence, Section 5.4.2 (5); Receptions, entertainment, theatrical productions, Section 5.4.4 (18); Flea Market, Section 5.4.7 (20)

Cheryl Custer was present for the Homestead Group, the current lessee of Homestead Gardens. The applicant is requesting a recommendation on Special Use Permits to hold occasional functions and events to generate revenue to maintain the farm. These events include flea markets, birthday parties, and dinner theater (through a collaboration between the Homestead Group and Kaleidoscope Theater). They would also like to hold events, such as dances and holiday parties, for the ARC community. There will be no smoking and no alcohol allowed at any of the functions. The flea markets will be held along the front of the property, along the border of the paved area. The main parking for the property is in the back. The other events will be held in the barn (former gift shop). The gazebo and pond area will be used for wedding photography.

Mr. Czyzewicz asked about the proposed residence for the caretaker. Ms. Custer stated that it is on the second floor of the barn. The caretaker is responsible for security. The residence will not include a

kitchen. Dr. Benoit asked if there are proper sewer and water facilities to support a residence. Ms. Custer stated that the Building Official and Fire Department have inspected the area and found no problems. The water is tested regularly. The Chair asked if the cooking for functions would be done on site. Ms. Custer stated that all functions would be catered. The Chair stated that during flea markets, for safety purposes, no parking should be allowed near the tables. Mr. Phillips asked that the property be connected to the sewer line when possible.

Dr. Benoit made a motion to send a favorable recommendation to the Zoning Board for Special Use Permits for Caretaker Residence, Section 5.4.2 (5); Receptions, entertainment, theatrical productions, Section 5.4.4 (18); and Flea Market, Section 5.4.7 (20), with the stipulation that the property will be hooked up to sewers when available. Mr. Magill seconded the motion, with all members voting in favor. Motion passed with a vote of 5-0.

VI. Planning Issues & Concerns

1.) Elizabeth Ave. Phase I & II

Mr. Phillips informed the Board that a resident of Elizabeth Avenue went to the Town Council to report on an issue with ponding in front of his house due to the grading of the road. Mr. Phillips and Mr. Santa Anna inspected the site after it had rained. The road is not pitched properly. They took pictures of the ponding that is occurring.

He has notified the developer and they are confident that it can be fixed.

The Board also discussed the bond for Phase II. The bond expires on September 7, 2007. The Board discussed how to properly fix the road, including re-grading, repaving, and properly installing catch basins. The Chair stated that the road needs to be fixed before December. He stated that on

November 1, 2007, the bond should be called in, and the developer will have 6 weeks to get the work on the road completed, with no extensions. Mr. Phillips will be in touch with the developer before the next meeting. Once the construction is completed, the bond can be reduced or converted to a maintenance bond.

Dr. Benoit made a motion to place discussion of the town's sewer bond on the agenda. Mr. Santa Anna seconded the motion. Board vote was as follows: AYE: Mr. Cardello, Mr. Santa Anna, Dr. Benoit, Mr. Czyzewicz. NO: Mr. Magill. Motion passed, with a vote of 4-1.

The Chair read a letter that the Board had received from Town Administrator Bob Lowe, asking for the Board support of the sewer bond vote. Mr. Lowe also asked for the Board to send a letter of its support to the local newspapers. Dr. Benoit stated that he will write the letter, but he wants the support of the Board. He gave an overview of why he believes the Board should support the bond. He stated that an improved sewer system is important for the town for

health concerns, safety, expansion of industry, and future growth of the town.

Mr. Santa Anna stated that he is concerned that there is no master plan for the sewer system in town. He said that approving the sewer bond would cause the town to have more sewer pump stations than all of Woonsocket. Mr. Santa Anna is also concerned with maintenance of the sewer pump stations. Mr. Magill asked if the passage of the bond guarantees that the streets mentioned in Mr. Lowe's letter will get sewers. Mr. Flaherty stated that he has been in touch with the town's Sewer Commission. He stated that passage of the bond does not guarantee that the sewers will be installed in all areas mentioned in the bond, but that he has reviewed the proposal (narrative description and maps) and found no obvious inconsistencies. Mr. Flaherty said that, according to the material he has reviewed there is no proposed timeline on the installation of sewers and that each of the 5 identified areas will be addressed independent of each other.

The Chair asked what will happen if the \$22 million is spent before all 5 areas have sewers installed. Mr. Magill stated that he doesn't think the bond will provide enough money to put sewers into all the identified areas of town. Mr. Phillips stated that the bond proposal is trying to fill in gaps in areas of town that are in dire need of sewers. The Chair stated that he believes that sewers need to be put in for these parts of town. He agreed that the Board has some valid

concerns, but stated that the town has to start somewhere. Mr. Czyzewicz suggested finding answers to the questions raised before preparing a letter for distribution to the media. The Board agreed that this is the best way to go about deciding if they want to support the bond. They will address this again at a future meeting.

Dr. Benoit made a motion to adjourn at 8:45 p.m. Mr. Santa Anna seconded the motion, with all in favor.

Respectfully submitted by,
Angela Pugliese
Planning Board Recording Secretary